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CONSERVATION AND RESOURCES ENFORCEMENT
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

OAHU ISLAND BURIAL COUNCIL MEETING
MINUTES

DATE: WEDNESDAY, FEBRUARY 8, 2006
TIME: 10:00 A.M.
PLACE: DEPARTMENT OF LAND & NATURAL RESOURCES
1151 PUNCHBOWL STREET, ROOM 132
HONOLULU, HAWAII 96813

ATTENDANCE:

Members: Mark Kawika McKeague (Vice-Chair)
Van Horn Diamond
Charles Ehrhorn
Alice Greenwood
Analu Josephides
Andrew Keliikoa
Kalei Kini
Kehaulani Kruse
Aaron Mahi
Linda Kaleo Paik

Absent: Carolyn "Kehau" Abad (Excused)
Cy Bridges (Excused)
Jace McQuivey, Chair (Excused)
Lynette "Nettie" Tiffany (Excused)

Staff: Piilani Chang, Oahu Cultural Historian
Vince Kanemoto, Deputy Attorney General
Chris Monahan, Oahu Lead Archaeologist
Susan Yanos, Secretary

Guests: Alani Apio
KeAloha Kuhea
Steve Clark
Kawehi Yim
Kaiulani Akamine

I. CALL TO ORDER & ROLL CALL

The meeting was called to order by Vice-Chair McKeague at 10:15 am. Verbal roll call was taken by Yanos. The majority of the members were present and quorum was established. Jace McQuivey, Cy Bridges, Carolyn “Kehau” Abad, and Lynette “Nettie” Tiffany had excused absences.

II. INTRODUCTION OF COUNCIL MEMBERS AND SHPD STAFF

Council members and SHPD Staff introduced themselves. Josephides said a pule.

III. OPENING REMARKS

Vice-Chair McKeague opened the meeting by explaining the Chair’s absence. McKeague thanked the public for taking the time to attend this meeting and explained that the council did establish an oral testimony policy that limits public testimony to four minutes for each agenda item, which is subject to extension by the council. McKeague asked the public if they would like to be placed on the agenda that any requests need to be made to the State Historic Preservation Division two weeks prior to the next meeting. McKeague explained the process of the council’s agenda and determinations.

IV. APPROVAL OF JANUARY 11, 2006 MEETING MINUTES

Motion to adopt the January 11, 2006 OIBC Meeting Minutes. (Kini/Kruse)

VOTE: ALL IN FAVOR. Motion carries.

Diamond entered at 10:25 am.

Diamond requested that the minutes include Abad’s discussion regarding the preponderance of evidence. SHPD staff said they would revise the minutes.

Motion to amend the previous motion to adopt January 11, 2006 OIBC Meeting Minutes to insert the changes which includes the statement made by Carolyn “Kehau” Abad in the January 11, 2006 OIBC Meeting regarding the preponderance of evidence. (McKeague/Kini)

VOTE: ALL IN FAVOR. Motion carries.

V. COUNCIL ACTIONS

A. Burial Treatment Plan for Waianae Regional Park in the Waianae Ahupuaa, Waianae District, Island of Oahu [TMK: 8-5-02:11]

Steve Clark made an informational presentation to the council. Clark said that this is a known burial that was discovered back in 1992. The burial was exposed by wave action and it was covered up because there was no development at that time. There was an inventory survey done in 2002 and the burial was not relocated but because of the

sensitivity of sinkholes, a sub-surface testing was done. Consultation was done with various people in the community but no one was able to accurately locate additional remains in the area. Clark said that their recommendation for this burial is in situ preservation.

Josephides asked Clark to clarify the definition of protocol on Page 3, Section 1B in the plan.

Clark said that protocol would probably be considered if remains are found. Clark went on to say that they would defer to SHPD for their protocols.

Diamond suggested that Mr. Clark define protocol in the plan.

McKeague commented that the plan didn't have specific information that related to the previously identified burial that the plan should have.

Josephides commented on his own childhood experiences at this park and the oral history that was shared with him in relation to burials in this area. Josephides suggested that the report reflect some language that includes other cultural aspects that should be adhered to such as no photography, lab testing, or any disruptive/harmful work done on the 'iwi kupuna.

Kanemoto added that it is written in §13-300-32, Hawaii Administrative Rules (HAR), that physical examination of remains is prohibited.

Josephides cited the State law which explained who lineal descendants are and their role in the consultation process.

Clark added that he would like to revise the plan to include cultural descendants.

Josephides asked Clark to clarify the final disposition of Native Hawaiian remains and to incorporate what is written in the burial laws.

Greenwood asked why the City & County were on state land and why there is a NAGPRA regulation noted in the plan.

Clark replied by saying that the City & County leased the land and the County runs that park. He went on to say that he wasn't sure why there is a NAGPRA regulation noted in the plan but he will look into it.

Greenwood asked how far away was the 'iwi kupuna found from the Dowsett Hotel.

Clark said that it was found about 200-300 yards away.

Kanemoto said that Act 128 from the 2005 Legislative Session which is an amendment to Chapter 6E that prohibits writing and gluing on remains.

Diamond asked what the frequency of the consultation was back in 2002.

Clark said that he met with a few people on several occasions at the park or on the phone to discuss different matters relating to the burial.

Diamond commented that he did not see any specific information about how the burial is actually going to be protected. Diamond suggested that Clark go back to the rules to understand the process of descendants.

McKeague asked Kanemoto about the timeline in relation to this burial treatment plan. Kanemoto explained the timeline process.

Kuhea expressed his concerns about his cultural claim to this park. He feels that Mr. Kana'i Kapeliela discriminated against his claim and that is why he has not been able to be involved in the consultation process.

Josephides suggested that Mr. Kuhea resubmit his claims to SHPD because the new staff seems willing to help rectify the situation.

Chang said that if Mr. Kuhea would kindly resubmit his claims, then SHPD will review it. Chang went on to say that they are working on building their staff up to prevent any future mishaps.

Kuhea said that he would resubmit the claims that he had previously submitted to Kana'i Kapeliela.

Greenwood asked Kanemoto if the council had a right to ask for the name of the genealogist. Kanemoto replied by saying that it would be up to the department.

McKeague asked if the department had a staff position for a genealogist.

Chang replied and said that the department does not currently have a staff position open for a genealogist, however, in the meantime the department is contracting the services out.

Paik said that she would prefer that the genealogist be in a contract position because they can be impartial and well-rounded.

Chang said that she is unsure if the department ever had a full-time staff genealogist in the past because to her knowledge Mr. Kana'i Kapeliela served as a Cultural Historian and Genealogist. Chang said that she does not know if the department is able to keep a full-time genealogist on staff in the future.

Greenwood added that she asked her previous question because she thinks it is important to keep the name of the genealogist confidential because there is always going to be someone who doesn't agree with that person and then they're going to be personally attacked.

Diamond suggested that perhaps members of the different Island Burial Councils who have knowledge of genealogy could serve as an advisor for that genealogist.

Akamine commented that she thinks that it is ridiculous that the council does not have money to have a genealogist. Akamine feels that the verification of genealogy is one of the most important aspects of the Island Burial Councils. In Akamine's opinion, if council members were to serve as an advisor to the genealogist then it may pose some kind of bias. She understands that the council members have their own areas where they specialize in but she feels that it could have negative ramifications if they were to consult with the genealogist.

Apio commented that the council should be making a good faith effort to also keep in the time restraints that is put on public testimony.

Kanemoto added that the council is not required to speak within a time constraint.

McKeague further added that he agrees that the council should reciprocate the same request that is being asked of the public.

Diamond asked Clark what it means when you say that Teri is amendable for in situ. Clark replied by saying that the Department of Engineering or Planning is amendable to in situ preservation. Diamond asked who would pay for it. Clark said that he would assume the City & County will pay for it.

B. Discussion of the Site Visit to the Department's collection of 'iwi

Kini stated that the council had a site visit to the department's collection of 'iwi to ensure the conditions of the facility have been well-maintained and to assist the department in their plans to reinter the remains in their custody.

Keliikoa thanked the staff and the public for allowing the council to do this site visit. Keliikoa said that he feels the location has been well-maintained.

Kruse expressed her feelings about the site visit. She stated that she feels that the 'iwi need to be back in the ground. She suggested that the council request that legislature set aside land to rebury these 'iwi. She went to say that she felt a heaviness when she was in the room. Kruse asked the department if there was a list that would give the council a better understanding of what is in the department's collection.

Ehrhorn added that he feels it is important for the council to have some kind of documentation. He feels that there are some areas where it would be easy to reinter some 'iwi.

McKeague agrees that there was a sense of sadness when he went into the room. He acknowledges the department's efforts to keep the 'iwi together in their respective districts.

Greenwood stated that she feels that the previous administration neglected the 'iwi and didn't take the necessary steps to rebury them. She went to say that it is important for people to understand that these 'iwi need to be reburied. She said that she is dedicated to helping the department find money to rebury these 'iwi.

Josephides asked if this repository was for 'iwi that was found across the state. Chang stated that each island is responsible for their inventory.

Kini said that he was puzzled that the collection was so small. He stated that he remembers visiting this location before and recalling that there were more 'iwi. Kini suggested that there be a formal plan regarding reinterment.

Chang said that she is working on many different projects and that it would take time to draft some kind of plan. Chang said that she will do her best to make something available to the council in the future.

McKeague commented that it was the consensus of all the council members that attended this site visit that they would try to help in any way possible and feel that it is part of their kuleana to give these 'iwi kupuna a final resting place.

Paik suggested that the council members take these issues to the community and not wait for the state to set aside land. She commended the efforts of this council for their dedication to the 'iwi kupuna.

Vice-Chair McKeague called for a recess at 11:55 am. The meeting resumed at 12:05 pm.

Chuck Ehrhorn left the meeting at 12:05 pm.

C. Status Update on Section 106/NAGPRA Correspondence

McKeague provided the council and the public an overview of what happened at the last meeting in regards to this issue.

Greenwood shared with the council the correspondence she has been reviewing and the comments that she has made on them. She has responded to several different correspondence letters which include the Honolulu International Airport Irradiator project. She discussed the many different concerns she had with these correspondence letters which addresses issues such as burials, descendants, and land.

Kuheha expressed his opinions regarding descendancy and the importance of genealogy.

McKeague commented that the council had established a sub-committee to address certain issues that requested the council's comments. McKeague feels that it is very important for the council to be involved with these issues as opposed to ignoring it.

VI. SHPD INADVERTENT DISCOVERY REPORT

Chang referred the members to the monthly summary report of inadvertent discoveries of human skeletal remains, which was previously provided to the members in their packets. She read into the record the contents of her February 2, 2006 memo to the council.

VII. ANNOUNCEMENTS

A. NOMINATIONS / APPOINTMENTS TO THE OAHU ISLAND BURIAL COUNCIL

McKeague informed the council and the public that there will be future vacancies on the council and welcomed any suggestions or nominations. Chang stated that there are three council members whose terms will be expiring in June but they are eligible for reappointment.

Josephides asked if it is possible to write a letter to support the reappointment of a current council member or nomination of a potential candidate. Chang replied by saying that she does not foresee any problem with that and would ask that the letters be sent to the department and they will then forward it to the Governor's Office.

B. Board of Water Supply Informational Update on Upcoming/Current Projects

Keliikoa recused himself at 12:45 pm.

Alani Apio gave an informational update on the following projects.

- **Kamehameha Heights Water System Improvements, Part 2 (TMK: 1-6-15 and 1-6-16)**

SHPD did not require the Board of Water Supply (BWS) to do any proactive monitoring for this project. However, there was proactive testing done along Kapalama Ave. and no burials were found. They will continue to have on-call monitoring for the remainder of this project to ensure no burials will be disturbed.

- **Farrington Highway Part 4 (TMK: 8-4-01: 09, 11, 13-18)**

An archaeological monitoring plan for this project was brought before the council back in 2001 and BWS has been working with the community proactively. The Makaha Ahupuaa Community Association recommended the use of a cultural monitor and Eric Enos is serving as the cultural monitor for this project.

- **Kalakaua Avenue Water System Improvement Project, Part 2 (TMK: 3-1-43)**

This project runs along the corner of Kalakaua and Kapahulu Avenues. BWS has been meeting with recognized descendants since 2003 to proactively monitor this project. Kealoha Kuhea has been appointed as the cultural monitor and Cultural Surveys Hawaii is the archaeological monitoring firm for this project. This project will be starting very soon.

- **Kalaheo Avenue Waterline Improvements
(TMK: 4-3-Various Plats & 4-4-27)**

BWS is trying to be proactive and is going to work on this project while the City is working on their sewer line project but they are not in the same areas. The sewer project is a directional drilling/horizontal booring at a very deep depth and the BWS project is trenching. BWS has arranged a meeting next week with descendants. There have been some discussions about using Kalama Beach Park as a potential reinterment site should it be necessary. The initial response from the City & County was that they were not in favor.

Keliikoa returned to the meeting at 12:59 pm.

VIII. ADJOURNMENT

The meeting adjourned at 1:00 pm.

Respectfully Submitted,

Susan Yanos, SHPD Secretary and
Piilani Chang, SHPD Cultural Historian